

Responses to Questions on the HUD-VASH PBV Set-Aside:

Q.1. Can a VAMC, in partnership with its VASH PHA, submit one application for each VAMC and each satellite Community Based Outreach Center (CBOC) for which it has received an appropriation of vouchers, up to the maximum 50 vouchers per application?

A.1. A correction to Notice PIH 2010-40 (HA) has been published that clarifies that a VAMC in partnership with its HUD-VASH PHA can submit one application for up to 50 vouchers for each VAMC and each CBOC for which it has received an allocation of HUD-VASH vouchers.

Q.2. Can an agency with multiple VAMC and CBOC relationships, submit a separate application for "each" VAMC partnership?

A.2. Yes.

Q.3. Can a VASH PHA split its application for a maximum of 50 units into multiple projects?

A.3. No. Each application must be for a single project.

Q. 4. 24 CFR 983.54 prohibits using PBV authority in units occupied by tenant-based vouchers. If there is an otherwise excellent project that would be highly competitive but for this restriction, would HUD waive this provision, in keeping with the several other waivers it has made for the VASH program in 24 CFR Section 982? In these situations a PHA would exchange the tenant-based vouchers for the PBVs, thus freeing up new mobile opportunities. For purposes of scoring an application requesting such a waiver, if the proposal is otherwise excellent, would its selection indicate the waiver has been granted? Or, would there be another route to obtain this waiver?

A.4. Waivers are only granted on a case-by-case basis according to the particular circumstances of each case and only when there is good cause to grant the requested waiver. The intent of the PBV VASH is to create new housing opportunities for eligible homeless veterans. If the project is currently occupied with tenant-based VASH recipients, the units are not eligible to be selected as PBV and to allow such units to be selected would be inconsistent with the intent of PBV VASH.

Q.5 Related to question No. 3, if HUD will waive 24 CFR 983.54, will a VASH veteran residing in one of these units with a tenant-based subsidy be eligible to maintain his/her homeless status?

A.5. If the veteran is currently housed, that veteran is not homeless.

Q. 6 Would publicly funded transitional housing units for veterans (such as those funded through the VA Grants and Per Diem program) be eligible for the PBVs if the occupants of these units were otherwise eligible for the VASH program? Are we correct in assuming that veterans living in these units would still maintain their "homeless" status?

A.6. Transitional housing is not an eligible housing type under the PBV program. Please see 24 CFR 983.53(a)(7).

Q.7 If two VASH PHAs working with the same VAMC wanted to both apply for vouchers in the same development, would this be permissible? There might potentially be a project that both PHAs could support. The total number of units requested would not exceed the 50 unit cap. This question was asked in the context of ameliorating the opt out consequences on each PHA's tenant based waiting list if after the first year in occupancy, the veteran elects to move to another unit, and the PHA's tenant-based program is nearly and/or fully utilized.

A.7. If two PHAs attached PBV assistance at the same project, there would be two separate HAP contracts covering units at the project which would be administered by two separate agencies. If a family

exercised its statutory right to move after 12 months, the PHA administering the HAP contract under which the unit is covered would be the agency that would be required to provide tenant based assistance when available. The objective behind the idea presented could not be achieved since the other PHA would not be able to issue vouchers on behalf of the PHA with the HAP contract covering the affected unit.

Q.8. The HERA Act (H.R. 3221, Pub.L. 110-129) allows PHAs to enter into PBV contracts for units in cooperative housing. We believe that this is not a self-implementing provision and that HUD has not yet published any implementation guidelines. Would this type of project be eligible for PBV VASH units under this competition?

A.8. Cooperative Housing is an eligible housing type under the PBV program, and therefore eligible for PBV VASH. The provision was implemented in the November 24, 2008 Federal Register Notice entitled, Housing and Economic Recovery Act of 2008: Applicability to HUD Public Housing, Section 8 Tenant-Based Voucher and Section 8 Project-Based Voucher Programs. The Department will issue conforming regulations in the very near future.

Q.9. Can a VASH PHA that has a provision in its conventional PBV administrative plan permitting it to select projects that have previously been vetted and selected thru another housing competition (per 24 CFR 983.51(b)(2), utilize this provision and select a project for the competition in this manner, rather than issue its own competitive notice?

A.9. Yes, however, if the units have been previously selected under the PBV program in accordance with 24 CFR 983, and families have executed leases on the units, the PHA may not utilize the previous PBV competition as a basis to select the units under the VASH program, since the intent of the PBV VASH is to create new housing opportunities for eligible homeless veterans. However, if the units have been selected under a previous PBV competition, but have not yet been leased up, the previous PBV competition may be used, in accordance with the PHA's Administrative Plan, as a substitute for a PBV VASH competition.

Q.10. Will environmental reviews be required for units that are immediately ready for occupancy, i.e. not currently undergoing any current development activity?

A.10. Yes. An environmental review is required for existing PBV projects that are not undergoing development activity.